

# Notice of Allowability

Application No.

10/662,487

Examiner

Lars A. Olson

Applicant(s)

BROUSSARD, KYLE

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received from the applicant on August 4, 2005.
2. ☒ The allowed claim(s) is/are 1-6 and 8-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **Examiner's Amendment**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. On line 8 of Claim 1, the phrase "a least 12 inches" has been deleted and replaced with the phrase "at least 12 inches".
3. On line 10 of Claim 6, the phrase "a least 12 inches" has been deleted and replaced with the phrase "at least 12 inches".
4. On line 2 of Claim 11, the word "access" has been deleted and replaced with the word "excess".
5. On line 11 of Claim 13, the phrase "a least 12 inches" has been deleted and replaced with the phrase "at least 12 inches".
6. An amendment was received from the applicant on August 4, 2005.
7. Claim 7 has been canceled.

### **Reasons for Allowance**

8. Claims 1-6 and 8-15 are allowed.
9. The following is an examiner's statement of reasons for allowance. The portable drive assembly as claimed is not shown or suggested in the prior art because of the use

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of an assembly that is comprised of a temporary attachment means to a transom of a watercraft, an elongated drive housing that encloses an upper drive assembly, a lower driven assembly and a timing belt that connects said upper drive assembly to said lower driven assembly, and an engine mounting plate that is attached perpendicular to said drive housing, where said lower driven assembly is further comprised of a propeller shaft that is partially enclosed within a shaft housing attached to said drive housing that extends at least 12 inches beyond said drive housing, and a propeller that is attached to said propeller shaft.

10. The prior art as disclosed by Watson (US 4,992,066), Newman (US 4,869,692) and Brindley (US 2,722,193) shows the use of a portable drive assembly that is comprised of a temporary attachment means to a transom of a watercraft, an elongated drive housing that encloses an upper drive assembly, a lower driven assembly and a timing chain or belt that connects said upper drive assembly to said lower driven assembly, but does not show the use of an engine mounting plate that is attached perpendicular to said drive housing, or a lower driven assembly that includes a propeller shaft and shaft housing that extend at least 12 inches beyond said drive housing.

Therefore, the prior art as cited does not show or suggest the use of a portable drive assembly that is comprised of a temporary attachment means to a transom of a watercraft, an elongated drive housing that encloses an upper drive assembly, a lower driven assembly and a timing belt that connects said upper drive assembly to said lower driven assembly, and an engine mounting plate that is attached perpendicular to said drive housing, where said lower driven assembly is further comprised of a propeller

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shaft that is partially enclosed within a shaft housing attached to said drive housing that extends at least 12 inches beyond said drive housing, and a propeller that is attached to said propeller shaft.

**Conclusion**


11. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

12. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (571) 272-6685.

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March 2, 2006

LARS A. OLSON  
PRIMARY EXAMINER

  
3/2/06